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Attorneys for Defendant Celgene Corporation

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

HUMANA INC.,

Plaintiff,

v.

CELGENE CORPORATION,

Defendant.

Civil No. 2:19-CV-07532-ES-MAH

Hon. Esther Salas, U.S.D.J.

Hon. Michael A. Hammer, U.S.M.J.

**NOTICE OF MOTION TO DISMISS
THE COMPLAINT PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 12(B)(6)**

Motion Date: Date and Time as
Determined by the Court

ORAL ARGUMENT REQUESTED

**DOCUMENT FILED
ELECTRONICALLY**

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PLEASE TAKE NOTICE that on a date to be determined by the Court, the undersigned, attorneys for Defendant Celgene Corporation, will move to dismiss before the District Court, at the United States District Court, District of New Jersey, Martin Luther King, Jr. Federal Building and U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07102, all counts alleged in Humana's Complaint.

PLEASE TAKE FURTHER NOTICE that in support of this motion Defendant will rely upon its Memorandum of Law in Support of Its Motion to Dismiss; the Declaration of Benjamin M. Greenblum and exhibits thereto; the Certification of Daniel R. Guadalupe attaching Unpublished Opinions; and the Certification of Service.

PLEASE TAKE FURTHER NOTICE that a proposed form of order accompanies these papers.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 78.1(b), Defendant requests oral argument.

Dated: May 22, 2019

Respectfully submitted,

/s/ Daniel R. Guadalupe
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